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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,952	10/30/2001	John Carl DelMonaco	SVL920010017US1	4762
47069	7590	01/11/2006	EXAMINER	
KONRAD RAYNES & VICTOR, LLP			ALAM, SHAHID AL	
ATTN: IBM54			ART UNIT	PAPER NUMBER
315 SOUTH BEVERLY DRIVE, SUITE 210				2162
BEVERLY HILLS, CA 90212				

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,952	DELMONACO ET AL.	
	Examiner	Art Unit	
	Shahid Al Alam	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 October 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 5-15, 25-35, 45-55 and 61-87 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 5 - 8, 10 - 15, 25 - 28, 30 - 35, 45 - 48, 50 - 55, 61 - 87 is/are rejected.

7) Claim(s) 9, 29 and 49 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.


SHAHID ALAM
PRIMARY EXAMINER

DETAILED ACTION

1. This action is in response to communication submitted on October 20, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5 – 8, 10 – 14, 25 – 28, 30 – 34, 45 – 48, 50 – 54, 61, 63 – 70, 72 – 79 and 81 – 87 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,452,449 issued to Baldwin et al. ("Baldwin").

With respect to claims 5, 25 and 45, Baldwin teaches performing an impact analysis (see Abstract; col. 4, lines. 9-10) of program statements in a source code file that is one of a plurality of source code files (col. 3, lines. 55-60), wherein each program statement has at least one of an input parameter and output parameter (col. 4, lines. 42-44), comprising:

receiving selection of at least one program statement in one source code file (col. 4, lines. 10-29 – note "global module selection"); and

for each selected program statement, determining program statements throughout the source code files having as one input parameter one program artifact that is affected by the selected program statement (col. 4, line. 54 to col. 5, line. 55 – note the "process analysis" and "impact analysis" items).

As to claims 6, 26 and 46, wherein the source code files including the program artifacts affected by the selected program statement comprise components of an application program (col. 3, lines. 49-52).

As to claims 7, 27 and 47, wherein determining the program statements having as one input parameter one program artifact affected by the selected program statement further comprises: determining program statements in the source code files having as one input parameter the program artifact that is one output parameter to the selected program statement (col. 5, lines. 3-8).

As to claims 8, 28 and 48, Baldwin discloses all the limitations of Claim 7 *supra*. Additionally, Baldwin '449 discloses: wherein determining the program statements having as one input parameter one program artifact affected by the selected program statement further comprises:

- for each previously determined program statement having as one input parameter one program artifact affected by the selected program statement (Baldwin '449: col. 5, lines. 4-25), performing the steps of:
 - (i) determining the output parameter program artifact of the statement (Baldwin '449: col. 5, lines. 2-8); and
 - (ii) determining program statements in the source code files having as one input parameter the program artifact that is the output parameter of the previously determined statement (Baldwin '449: col. 5, lines. 12-25).

As to claims 10, 30 and 50, outputting information on determined program statements and program artifacts affected by each selected program statement (col. 3, line. 63 to col. 4, line. 5).

As to claims 11, 31 and 51, wherein the program artifact comprises a variable, Input/Output buffer or file (col. 14, line. 45 to col. 15, line. 13 - note COBOL procedures pass variables, buffers, and files).

As to claims 12, 32 and 52, wherein one program statement has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement (Baldwin '449: col. 5, lines. 3-8).

As to claims 13, 33 and 53, wherein one statement further has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement or if the output parameter program artifact of one statement other than the selected program statement has as one input parameter one program artifact affected by the selected program statement (col. 5, lines. 4-23).

As to claims 14, 34 and 54, wherein if the selected program statement comprises a call to a program routine comprised of a plurality of statements in one of the source code files, then one statement has one input parameter that is affected by the selected program statement (Baldwin '449: col. 5, lines. 3-8) if:

the output parameter program artifact of the selected source code statement is the input parameter program artifact to the statement (Baldwin '449: col. 14, lines. 48-

54 - note indicating if a module changes a parameter value indicates whether the parameter is an input or an output parameter); or

the input parameter of the selected source code statement is the input parameter program artifact to the statement (Baldwin '449: col. 14, lines. 48-54 - note indicating if a module changes a parameter value indicates whether the parameter is an input or an output parameter).

With respect to claims 61, 70 and 79, generating information on each program artifact referenced as an output parameter in the at least one program statement (Baldwin '449: col. 4, lines. 40-48; col. 14, lines. 48-54 - note a reference that changes a parameter value is an output parameter).

With respect to claims 63, 72 and 81, associating each program artifact with a program statement referencing the program artifact (Baldwin '449: col. 4, line. 54 to col. 5, line. 55 - note the "process analysis" and "impact analysis" items) as one input or output parameter and information indicating whether the program statement references the program artifact as input or output (Baldwin '449: col. 14, lines. 48-54 - note indicating if a module changes a parameter value indicates whether the parameter is an input or an output parameter).

With respect to claims 64, 73 and 82, the program artifact comprises a variable, Input/Output buffer or file (Baldwin '449: col. 14, line. 45 to col. 15, line. 13 - note COBOL procedures pass variables, buffers, and files).

As to claims 65, 74 and 83, determined program statements in the source code file having as one input parameter one program artifacts that is affected by the selected program statement (col. 3, line. 63 to col. 4, line. 5).

With respect to claims 66, 75 and 84, the program artifact comprises a variable, Input/Output buffer or file (Baldwin '449: col. 14, line. 45 to col. 15, line. 13 - note COBOL procedures pass variables, buffers, and files).

With respect to claims 67, 76 and 85, wherein one program statement has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement (Baldwin '449: col. 5, lines. 3-8).

With respect to claims 68, 77 and 87, wherein one statement further has one input parameter that is affected by the selected program statement if the output parameter program artifact of the selected program statement is the input parameter program artifact to the program statement or if the output parameter program artifact of one statement other than the selected program statement has as one input parameter one program artifact affected by the selected program statement (column 5, lines 4-23).

With respect to claims 69, 78 and 87, selection of a plurality of program statement is received (column 5, lines 4 – 23).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 15, 35, 55, 62, 71 and 80, are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin '449 in view of U.S. Patent No. 6,003,042 issued to Melahn ("Melahn '042").

With respect to claims 15, 35, 55, 62, 71 and 80 Baldwin discloses all the limitations of claims 5, 25 and 45 *supra*. However, Baldwin does not explicitly disclose: further comprising: accessing the source code files from a control management system and the source code files comprises components of an application program.

Melahn '042 discloses a source control management system. Specifically, Melahn '042 discloses: further comprising: accessing the source code files from a control management system (Melahn '042: col. 1, lines. 48-63).

It would have been obvious to a person having ordinary skill in the art to apply the source control as disclosed by Melahn '042 to the impact analysis means of Baldwin '449. The motivation to combine is suggested by Melahn '042 which discloses that source code, such as that of Baldwin '449, when placed into source control provide for

parallel development involving multiple developers (Melahn '042: col. 1, line. 64 to col. 2, line. 4).

Allowable Subject Matter

3. Claims 9, 29 and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Al Alam whose telephone number is (571) 272-4030. The examiner can normally be reached on Monday-Thursday 8:00 A.M.- 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shahid Al Alam
Primary Examiner
Art Unit 2162

January 6, 2005